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CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS

Report of the First Committee

Rapporteur: Mr. Rajab SUKAYRI (Jordan)

I. INTRODUCTION

1. The item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" was included in the provisional agenda of the fiftieth session of the General Assembly in accordance with Assembly resolution 49/79 of 15 December 1994.

2. At its 3rd plenary meeting, on 22 September 1995, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 12 October 1995, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 57 to 78, 80 and 81. The deliberations on those items took place at the 3rd to 11th meetings, from 16 to 20 and on 25 and 26 October 1995 (see A/C.1/50/PV.3-11). Structured discussions of specific subjects within the adopted thematic approach were held from 30 October to 3 November. Consideration of draft resolutions on the items took place at the 13th to 17th meetings, from 6 to 9 November (see A/C.1/50/PV.13-17). Action on the draft resolutions was taken at the 18th to 29th meetings, on 10, 13 to 17, 20 and 21 November (see A/C.1/50/PV.18-29).

4. In connection with item 74, the First Committee had before it the following documents:

(a) Report of the Secretary-General on the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (A/50/326);

(b) Letter dated 8 September 1995 from the Permanent Representative of Ecuador to the United Nations addressed to the Secretary-General transmitting the Final Declaration of the Ninth Meeting of Heads of State and Government of the Rio Group, held at Quito on 4 and 5 September 1995 (A/50/425-S/1995/787);

(c) Letter dated 11 October 1995 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General (A/50/562).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.1/50/L.34

5. At the 16th meeting, on 8 November 1995, the representative of Sweden, on behalf of Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Mongolia, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" (A/C.1/50/L.34), which was later also sponsored by Bosnia and Herzegovina, Jordan, The former Yugoslav Republic of Macedonia and Monaco.

6. At the 23rd meeting, on 16 November, the Secretary of the First Committee made a statement on behalf of the Secretary-General on the programme budget implications of the draft resolution (see A/C.1/50/PV.23).

7. Also at its 23rd meeting, on 16 November, the Committee adopted draft resolution A/C.1/50/L.34 without a vote (see para. 8).

III. RECOMMENDATION OF THE FIRST COMMITTEE

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 49/79 of 15 December 1994 and previous resolutions referring to the Convention on Prohibitions or Restrictions on the Use of

Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, 1/

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention, together with the Protocol on Non-Detectable Fragments (Protocol I), 1/ the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II) 1/ and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), 1/ which entered into force on 2 December 1983,

Recalling the commitment by the States that are parties to the Convention and the Protocols annexed thereto to respect the objectives and the provisions thereof,

Reaffirming its conviction that a general and verifiable agreement on prohibitions or restrictions on the use of certain conventional weapons would significantly reduce the suffering of civilians and combatants,

Noting that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by the existing Protocols or to review the scope and application of the Convention and the Protocols annexed thereto and to examine any proposed amendments or additional protocols,

Noting with satisfaction that the group of governmental experts established to prepare a conference to review the Convention and the Protocols annexed thereto held four meetings and completed its work by submitting a final report,

Welcoming the fact that the Review Conference met at Vienna from 25 September to 13 October 1995, in accordance with article 8, paragraph 3, of the Convention and that, in addition to the States parties, forty other States attended and took an active part in the Conference,

Particularly welcoming the adoption on 13 October 1995 of the Protocol on Blinding Laser Weapons (Protocol IV) annexed to the Convention,

Noting that the Review Conference was not able to complete its work in reviewing the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II), and the decision of the Conference therefore to continue its work,

Recalling the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols annexed thereto,

Noting with satisfaction the convening by the Secretary-General of the International Meeting on Mine Clearance at Geneva from 5 to 7 July 1995, and

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1/ See The United Nations Disarmament Yearbook, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

that substantial contributions to the Voluntary Fund for Assistance in Mine Clearance were pledged at the Conference,

Welcoming the national measures adopted by Member States relating to the transfer, the production or the reduction of existing stockpiles of anti-personnel land-mines,

Desirous of reinforcing international cooperation in the area of prohibitions or restrictions on the use of certain conventional weapons, in particular for the removal of minefields, mines and booby traps,

Recalling in this respect its resolutions 48/7 of 19 October 1993 and 49/215 of 23 December 1994 on assistance in mine clearance,

1. Registers its satisfaction with the report of the Secretary-General; 2/

2. Welcomes the fact that additional States have ratified or accepted the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, which was opened for signature in New York on 10 April 1981, or have acceded to the Convention;

3. Urgently calls upon all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention and its Protocols and upon successor States to take appropriate measures so that ultimately access to these instruments will be universal;

4. Calls upon the Secretary-General of the United Nations, in his capacity as depositary of the Convention and the Protocols annexed thereto, to continue to inform it periodically of accessions to the Convention and the Protocols;

5. Takes note of the interim report of the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, held at Vienna from 25 September to 13 October 1995;

6. Commends the Protocol on Blinding Laser Weapons (Protocol IV) to all States, with a view to achieving the widest possible adherence to this instrument at an early date;

7. Calls upon the States parties to intensify their efforts in order to conclude negotiations on a strengthened Protocol II;

8. Takes note of the decision of the Review Conference to continue its work at resumed sessions at Geneva from 15 to 19 January 1996 and from 22 April to 3 May 1996;

2/ A/50/326.

9. Requests the Secretary-General to continue furnishing needed assistance to the Review Conference;

10. Again calls upon the maximum number of States to attend the Review Conference;

11. Decides to include in the provisional agenda of its fifty-first session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".